REMARKS/ARGUMENTS

Claims 1-19 remain pending, and claims 6, 11 and 15 are amended by this response. No new claims have been added.

Claims 15 and 16 were rejected under 35 U.S.C. 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 2, 5-11, and 14-18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kidder (US Patent No. 6,880,086). Claims 3, 4, 12, and 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kidder et al. in view of Christian (US Patent No. 6,854,010).

Declaration Filed December 5, 2005

The Examiner concluded that the declaration filed December 5, 2005 contained insufficient evidence to establish a reduction to practice of the claimed invention prior to the effective date of Kidder and Christian. Specifically, the Examiner suggested that the disclosure failed to recite sufficient evidence for the Examiner to determine:

(a) which of the claimed limitations are satisfied by the prototype;

(b) whether the test conditions represented actual conditions or realistically simulated conditions; and

(c) whether the successful test result was the result of the actual claimed invention.

Applicants respectfully traverse the Examiner's conclusion and assert that the declaration contains sufficient evidence to establish these requirements. First, as to requirement (a), Exhibit A of the declaration is an Invention Disclosure that was submitted for the invention and which includes a detailed description of all of the claimed limitations. Following is a list of each claim element and the corresponding location of that element in the Invention disclosure of Exhibit A:

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Claims 1 & 10:

- translating data for the circuit related objects from binary data to ASCII data
in the network control processor (disclosed on page 6 under the section "Step
1: Data translation in NCP").

- receiving into the network management system server the ASCII data from
the network control processor (disclosed on page 6 under the section "Step 2:
Copy data remotely to NMS).

- parsing the ASCII data (disclosed on page 7 under the section "Step 3: Parse
and store data in NMS database").

- storing the ASCII data in a network management system database (disclosed
on page 7 under the section "Step 3: Parse and store data in NMS database").

Claims 2 & 11:

- the data for the circuit related objects is stored in an ASCII persistence table
in the network control processor (disclosed on page 6 under the section "Step
1: Data translation in NCP").

Claims 3 & 12:

- the step of translating data comprises receiving an "rsh" UNIX command to
translate the persistence table from a binary persistence table to an ASCII
persistence table (disclosed on page 6 under the section "Step 1: Data
translation in NCP").

Claims 4 & 13:

- the step of receiving the ASCII data comprises receiving an "rcp" UNIX
command to copy the ASCII persistence table to a network management
system database (disclosed on page 6 under the section "Step 2: Copy data
remotely to NMS").

Claims 5 & 14:

- an accessible directory in a host machine has a remote machine's host name
and a user name, wherein the network management system is the remote
machine, and wherein the network control processor is the host machine
(disclosed on page 6 under the section "Step 2: Copy data remotely to
NMS").

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Claims 6 & 15:

- the format of an ASCII persistence table is a plain text file which maintains all available records for a type of circuit related object in the network control processor, and wherein each record includes a unique key and group of names with corresponding values, and each unique key is used to identify an individual circuit (disclosed on page 7 under the section "Step 3: Parse and store data in NMS database").

Claims 7 & 16:

- reading all records from the ASCII persistence table; and parsing the records to an network management system desired format (disclosed on page 7 under the section "Step 3: Parse and store data in NMS database").

Claims 8 & 17:

- comparing the ASCII data with a corresponding circuit related object table already in the network management system database (disclosed on page 7 under the section "Step 3: Parse and store data in NMS database").

Claims 9 & 18:

- detecting a mismatch between the ASCII data and the corresponding circuit related object table; and updating the network management system database accordingly (disclosed on page 7 under the section "Step 3: Parse and store data in NMS database").

Claim 19:

- sending a command for translating data for the circuit related objects from binary data to ASCII data to the NCP, wherein the NCP translates data for the circuit related objects from binary data to ASCII data in the NCP (disclosed on page 6 under the section "Step 1: Data translation in NCP").

- receiving into the network management system server (NMS) the ASCII data from the network control processor (disclosed on page 6 under the section "Step 2: Copy data remotely to NMS").

- storing the ASCII data in a network management system database, wherein a data structure in the network management system database is synchronized with the ASCII data for the circuit related objects (disclosed on page 7 under the section "Step 3: Parse and store data in NMS database").

Next as to requirements (b) and (c), Applicants respectfully assert that the declaration contains sufficient evidence to establish that the test conditions represented actual

conditions and that the successful test results were the results of the actual claimed invention. Support for this is provided on page 2 question 4 which states that the invention was constructed and question 5 which states that the invention was tested and working. Although "a declaration by the inventor to the effect that his or her invention was conceived or reduced to practice prior to the reference date...is insufficient to satisfy 37 CFR 1.131," Applicants respectfully assert that these same declarations made by an inventor in an Invention Disclosure are "statements of facts demonstrating the correctness of this conclusion." (*MPEP 715.07*). The Invention Disclosure provides documentary evidence of these statements. In addition, Applicants respectfully assert that these assertions are further supported by Exhibit A when examined in its entirety. The disclosure on pages 5-7 of Exhibit A, including the figures on page 6, contains no substantive changes from the specification of the present application. Thus, Applicants assert that the completeness of the Invention Disclosure as shown in Exhibit A combined with the statements of facts contained in the Invention Disclosure provide sufficient evidence to support that the test conditions represented actual conditions and that the successful test results were the results of the actual claimed invention. As a result, Applicants respectfully request that the Examiner reconsider the sufficiency of the evidence in Exhibit A of the declaration filed December 5, 2005 in establishing a reduction to practice of the claimed invention prior to the effective date of Kidder and Christian.

Claim Rejections Under 35 U.S.C. 112 Second Paragraph

Claims 15 and 16 were rejected under 35 U.S.C. 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner suggests that there is insufficient antecedent basis for "the ASCII persistence table" referenced in claim 16. Applicants have amended claim 15 to add "an ASCII persistence table" which provides proper antecedent basis, and Applicants assert that as amended claim 15 is in proper form.

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Claim Rejections Under 35 U.S.C. 103(a)

Independent claims 1, 10 and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kidder. Specifically, the Examiner suggests that although Kidder does not teach "translat[ing] data for the circuit related objects from binary data to ASCII data in the network control processor" as recited by claims 1, 10 and 19 that this step would have been obvious to one of ordinary skill in the art at the time of the invention. The Examiner states that this step would have been obvious because it "is implicitly possible, but not recommended." *O.A. page 5 fourteenth and fifteenth lines from the top.*

Applicants respectfully traverse this rejection because Kidder teaches away from translating the data from binary to ASCII in the network control processor. Moreover, one of ordinary skill in the art would have been motivated to leave the data in binary form for the same reasons. As the MPEP states:

> "[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention." *MPEP 2141.02.*

Rather than suggesting "translat[ing] data for the circuit related objects from binary data to ASCII data in the network control processor," Kidder teaches away from this practice. Applicants further assert that it would not have been obvious to one of ordinary skill in the art to perform this step as recited. Indeed, as stated by the Examiner:

> Kidder teaches that "data is maintained in binary form at the network control processor rather than translating it into ASCII because binary data is "smaller" and "requires less space to store and less bandwidth to transfer." *O.A. page 5.*

Despite the advantages of binary data being smaller and using less bandwidth to transfer, the present invention recognizes the advantage of transferring ASCII data to the NMS in that it doesn't require network control processor utilities. As disclosed in the specification, "this step cannot be done in the NMS server because it requires some support from NCP utilities." *Page 7 lines 2-4 of the present application.* Applicants assert that the advantage of translating data for circuit related objects from binary data to ASCII data in the network control processor would not have been obvious to one of ordinary skill in the art because, as Kidder teaches, data is

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preferably "maintained in binary form to keep the data files smaller than translating it into other forms such as ASCII. Smaller binary files require less space to store and less bandwidth to transfer." *Col. 65, lines 46-50.*

       Therefore, Applicants respectfully assert that Kidder teaches away from "translat[ing] data for the circuit related objects from binary data to ASCII data in the network control processor" as recited in claims 1, 10 and 19. Further, Applicants respectfully assert that it would not have been obvious for one of ordinary skill in the art to perform the step as recited for the same reasons as articulated in Kidder. As such, Applicants respectfully request withdrawal of the rejection of independent claims 1, 10 and 19 under 35 USC 103(a) for at least this reason, as well as the rejection of dependent claims 2-9 and 11-18 which depend therefrom in the chain of dependency.

CONCLUSION

       In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

       If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

                         Respectfully submitted,

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